

MELINDA HAAG (CABN 132612)  
United States Attorney

MIRANDA KANE (CABN 150630)  
Chief, Criminal Division

ANN MARIE URSINI (CABN 269131)  
Special Assistant United States Attorney  
150 South Almaden Boulevard, Suite 900  
San Jose, California 95113  
Telephone: (408) 535-5037  
Facsimile: (408) 535-5066  
annmarie.ursini@usdoj.gov

Attorneys for the United States

FILED FOR THE COURT

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

|                             |   |                                   |
|-----------------------------|---|-----------------------------------|
| UNITED STATES OF AMERICA,   | ) | No. CR 11-00744-DLJ               |
|                             | ) |                                   |
| Plaintiff,                  | ) | STIPULATION AND [                 |
|                             | ) | ORDER CONTINUING HEARING TO       |
| v.                          | ) | June 4, 2012 AND EXCLUDING TIME   |
|                             | ) | FROM May 24, 2012 TO June 7, 2012 |
| XOCHITL CISNEROS-RODRIGUEZ, | ) | FROM THE SPEEDY TRIAL ACT         |
|                             | ) | CALCULATION                       |
| Defendant.                  | ) |                                   |
|                             | ) |                                   |
|                             | ) |                                   |

The Parties, OBDULIA DIAZ and the United States, acting through respective counsel, hereby stipulate, subject to the Court's approval, that the hearing currently set for May 24, 2012 be vacated, and that the hearing be re-set for June 7, 2012 at 9:00 am. The parties are requesting the continuance of the hearing to the above date given that government counsel will be out of state on May 24. Additionally, both parties need additional time to jointly negotiate a resolution in this matter, including time for the government to review significant discovery recently provided by defense counsel.

The parties stipulate that the time between May 24, 2012 and June 7, 2012 is excluded under the Speedy Trial Act, 18 U.S.C. §3161, and agree that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective

preparation, taking into account the exercise of due diligence. Finally, the parties agree that the ends of justice served by granting the requested continuance outweigh the best interest of the public, and the defendant in a speedy trial and in the prompt disposition of criminal cases. 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

DATED: May 10, 2012

MELINDA HAAG  
United States Attorney

/s/ \_\_\_\_\_  
ANN MARIE E. URSINI  
Special Assistant United States Attorney

/s/\_\_\_\_\_  
VARELL L. FULLER  
Attorney for Defendant

**ORDER**

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the hearing in this matter previously set for October 4, 2012 is vacated, and the matter is continued to June 7, 2012 at 9:00 am. Further, the Court ORDERS that the time between May 24, 2012 and June 7, 2012 is excluded under the Speedy Trial Act, 18 U.S.C. §3161. The court finds that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Furthermore, the Court finds that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. The court therefore concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

IT IS SO ORDERED.

DATED: ~~10-17-12~~ 10-17-12

  
\_\_\_\_\_  
THE HONORABLE D. LOWELL JENSEN  
United States District Judge